

The York County Board of Commissioners met according to law on July 28, 2009 at 9:40 a.m. as per notice in the York News Times on July 23, 2009, with Augustus M. Brown Jr. presiding, with Steve Neujahr, Eugene Bergen, Kurt Bulgrin and Pat Bredenkamp. Also present were Tim Sieh, County Attorney and Melanie Wilkinson, correspondent for the York News Times.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted on the outside of the door and copies were available in the back of the board room. Proof of publication was also available.

Moved by Neujahr, seconded by Bredenkamp to approve the minutes of the Board of Commissioners for July 14, 2009; roll call: yeas, Neujahr, Bredenkamp, Bulgrin and Brown; nays, none; Bergen abstain; motion carried.

Moved by Bulgrin, seconded by Bergen to adopt the agenda for Tuesday, July 28, 2009; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

The Board reviewed the following General Assistance cases:

Moved by Bergen, seconded by Bredenkamp to approve Case #09-12 for medication in the amount of \$49.42 payable to Pamida Pharmacy; roll call: yeas, Bergen, Bredenkamp, Neujahr, Bulgrin, and Brown; nays, none; motion carried.

A public hearing was held at 9:45 a.m. as advertised to receive comments regarding the issuance of Hospital Revenue Bonds (York General Hospital Project) Series 2009 by the Hospital Authority No 1 of York County in the amount of \$19,000,000. Present at the hearing were: Commissioners Bergen, Bredenkamp, Bulgrin, Neujahr and Brown; County Attorney, Tim Sieh; Melanie Wilkinson, correspondent for the York News Times; Chuck Schulz, representing York General Hospital; Bruce Lefler of Ameritas and Kelly Thomas, Attorney for the Hospital.

The public meeting was closed at 9:50 a.m. after hearing all interested person.

Moved by Bulgrin, seconded by Neujahr to adopt Resolution #09-55 for issuance of revenue bonds by the Hospital Authority No. 1; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

RESOLUTION #09-55

**EXTRACT FROM MINUTES OF MEETING OF
BOARD OF COMMISSIONERS OF
THE COUNTY OF YORK, NEBRASKA**

A regular meeting of the Board of Commissioners of The County of York, Nebraska, was convened in open and public session at 9:45 o’clock a.m. on July 28, 2009, in York County, Commissioners Room, in York, Nebraska. Present were: Commissioners Augustus M. Brown, Jr. Eugene Bergen, Steve Neujahr, Pat Bredenkamp and Kurt Bulgrin; Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York news Times; Kelly Thomas, Attorney; Chuck Schulz with York General Hospital and Bruce Lefler with Ameritas. Absent were: _____. Notice of the meeting was given in advance thereof by publication in the York News Times on July 10, 2009, the designated method for giving notice. Notice of the meeting was also given in advance to the Chairperson and all members of the Board of Commissioners. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and Board of Commissioners. The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

* * *

The Chairperson announced that it was time for the Commissioners to conduct a public hearing concerning the proposed issuance of Hospital Revenue Bonds (York General Hospital Project), Series 2009, by Hospital Authority No. 1 of York County, Nebraska. The Clerk stated that the notice of hearing had been published in the York News-Times on July 10, 2009, and that affidavit of such publication was on file in the Clerk’s office. The Chairperson then opened the hearing. The following persons appeared: Commissioners Augustus M. Brown, Jr. Eugene Bergen, Steve Neujahr, Pat Bredenkamp and Kurt Bulgrin; Tim Sieh, County Attorney; Melanie Wilkinson, correspondent for the York news Times; Kelly Thomas, Attorney; Chuck Schulz with York General Hospital and Bruce Lefler with Ameritas. After hearing all persons desiring to be heard, the Chairperson declared the hearing closed.

Commissioner Brown then introduced a resolution as set forth below. Commissioner Bulgrin moved for the passage of such resolution which motion was seconded by Commissioner Neujahr. The Chairperson stated that the question was: “Shall said resolution be adopted?” Upon roll call vote the following voted “AYE”: Bulgrin, Neujahr, Bergen, Bredenkamp and Brown. The following voted “NAY”: None. Whereupon the Chairperson declared said resolution adopted. A true and correct copy of said resolution is as follows:

BE IT RESOLVED by the Board of Commissioners of The County of York, in the State of Nebraska, (the “County”) as follows:

Section 1. The Board of Commissioners hereby finds and determines that notice of public hearing has been published in the York News-Times on July 10, 2009, and that a public hearing pursuant to said notice has been conducted by the Board of Commissioners on the proposal to issue revenue bonds by the Hospital Authority No. 1 of York County, Nebraska (the “Authority”) at the time and place as specified in said notice and all persons who appeared were given an opportunity to express their views for or against the proposal to issue said revenue bonds, and all objections or other comments relating to the issuance of such revenue bonds have been heard and are hereby overruled, and the Board of Commissioners hereby find and determine: (i) that a general, functional description of the type and use of the Project has been accurately described in said notice of hearing and is hereby approved; (ii) that the maximum principal amount of the revenue bonds has been accurately described in said notice of hearing and is hereby approved; (iii) that the location of the Project has been accurately described in said notice of hearing and is hereby approved; (iv) that the initial owner, operator or manager of the Project has been accurately described in said notice of hearing and is hereby approved.

Section 2. As hereby approved, the Hospital Authority No. 1 of York County, Nebraska, shall issue in an amount not to exceed \$19,000,000, Hospital Revenue Bonds (York General Hospital Project), Series 2009, upon such terms and conditions as determined by the Authority for the benefit of the York General Health Care Services, a nonprofit corporation organized under the laws of the State of Nebraska (the “Hospital”).

Section 3. Pursuant to the American Recovery and Reinvestment Tax Act of 2009 (the “ARRA”), the County recognizes that for the purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, (the “Code”) the Hospital is to be treated as the issuer of said Bonds and the Hospital may designate said Bonds as “qualified tax-exempt obligations” pursuant to Section 265(b) (3) (B) (i) (III) of the Code. The County hereby acknowledges the designation of said Bonds to be made by the Hospital as “qualified tax-exempt obligations” pursuant to Section 265(b) (3) (B) (i) (III) of the Code. Pursuant to the ARRA, the such designation by the Hospital shall not affect any issuance and designation by the County of its own bonds.

Section 4. The approval provided for in this resolution is for purposes of Section 147(f) of the Code and is not intended nor should it be construed to be any review of or approval by The County of York of the credit of the Hospital, nor any type of guaranty or other pecuniary commitment by The County of York with respect to repayment of the revenue bonds to be issued by the Authority. The Authority is a separate corporate body from the County and the County is not obligated in any manner with respect to such revenue bonds of the Authority.

Section 5. The Chairman and County Clerk (or either one of them) acting for and on behalf of The County of York, in the State of Nebraska, are hereby authorized to execute and deliver any further documents deemed by them necessary or appropriate for or on behalf of the County to reflect the approval of the issuance of said bonds.

Adopted this 28th day of July, 2009.

County of York, Nebraska
By: Augustus M. Brown Jr., Chairperson; Eugene Bergen, Commissioner; Steve Neujahr, Commissioner; Pat Bredenkamp, Commissioner; Kurt Bulgrin, Commissioner

Don Robb presented for adoption a resolution to designate an individual/board to be responsible for the management of the Consultant Selection Process; National Environmental Policy Act and Uniform Relocation Assistance and real Property Acquisition Policies Act.

Moved by Neujahr, seconded by Bergen to adopt Resolution #09-56 designating Augustus Brown, Chairman of the Board as the responsible person for the management of the Consultant Selection Process; National Environmental Policy Act and Uniform Relocation Assistance and Real Property Acquisition Policies Act; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

RESOLUTION #09-56
COMBINED CONSULTANT SELECTION, NEPA, UNIFORM ACT, FINANCIAL MANAGEMENT SYSTEMS

Whereas: Certain transportation facilities (roads, streets, trails, and others) in York County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: York County desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said federal funds is charged with oversight of the expenditures of said funds, and;

Whereas: York County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the Consultant Selection process as stated in the LPA guidelines Manual, the National Environmental Policy Act (NEPA) the Uniform Relocation Assistance and real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management systems; and.

Whereas: York County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in York County being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The York County Board of Commissioners Supervisors does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

Be It Further Resolved: The York County Board of Commissioners does hereby designate the following as responsible for the management of the following processes:

Consultant Selection process: York County Board of Commissioners

The National Environmental Policy Act (NEPA): York County Board of Commissioners

The Uniform Relocation Assistance and real Property Acquisition Policies Act (Uniform Act): York County Board of Commissioners

The following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: Augustus Brown, Chairman, York County Board.

Dated this 28th day of July, 2009.

Moved by Bulgrin, seconded by Bredenkamp that the Chairman of the York County Board of Commissioners, Augustus M. Brown, Jr. be the LPA’s Authorized Representative; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

A request was received from Mainstay Communications to install a fiber optic communication line within the county right of way in Section 30 Township 9 Range 4.

Moved by Bergen, seconded by Bredenkamp to approve the Right of Way permit for Mainstay Communications; roll call: yeas, Bergen, Bredenkamp, Bulgrin, Neujahr and Brown; nays, none; motion carried.

Moved by Neujahr, seconded by Bergen to approve payroll in the amount of \$116,274.47 and vendor claims as presented and direct the County Treasurer to transfer money from the specifically designated county funds to the Imprest Account fund; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Aging	Bag N Save	Supplies	587.73
Gen	Bob Barker Company, Inc.	Supplies	346.35
Rd	Barrett Bros. Inc.	Repair Parts	32.45
Gen	Blue Knight Security, Inc.	Security Contract	2,712.00
Rd	Bosselman	Fuel	16,954.25
Gen	Marjorie Braman	Retirement	11.00
Rd	Car Parts Inc.	Repair Parts	382.88
Rd	Central Nebraska Refrigeration	Repair Parts	68.00
Gen	Gary Charlton	Retirement	11.00
Gen	Claritus	Supplies	44.04
Gen,			
Rd	Constellation NewEnergy Gas Div	Heating Fuels	252.57
Rd	Constructors, Inc.	Surfacing	245,877.58
Gen	Continental Research Corp	Janitorial Supplies	1,113.42
Data			
Proc	Cornerstone Bank	Data Proc Equip	73.25
Rd	Cornhusker Cleaning Systems Inc.	Shop Supplies	717.50
Gen	Gregory C. Damman	Witness Fees	53.00
Gen	Dawson County Sheriff	Court Costs	11.00
Gen	DDSS, Inc.	Data Proc Equip	1,213.32

Sheriff	Donna's Computer Sales & Service	Computer Expense	200.00
Aging	Karen Doran	Mileage	52.25
Gen	Douglas County Court	Court Costs	7.00
Gen	Eakes Office Plus	Office Supplies	449.27
Rd	Farm Plan	Repair Parts	61.99
Rd,			
Weed	Farmers Cooperative	Tire Repair	453.00
Rd	Fastenal Industrial & Const Supply	Shop Supplies	102.22
Rd	Fehlhafer's Inc.	Repair Parts	40.00
Rd	Filter Care	Repair Parts	207.70
Rd	GeoTechnical Services, Inc.	Engineering	88.75
Gen	Harry Hecht	Retirement	16.00
Rd	Henderson Metal Products, Inc.	Repair Labor	997.50
Rd	Husker Steel	Culverts	1,135.00
Rd	Island Landhandlers, Inc.	Gravel	3,631.49
Rd	Island Supply Welding	Repair Parts	151.80
Gen	Jack's Uniforms & Equipment	Uniform Allowance	149.88
Gen,			
Rd	Jackson Services	Building Maintenance	118.12
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	5,408.98
Rd			
Rd	Klute, Inc.	Repair Parts	7.92
Rd	Stanley Koch	Reimbursement	10.00
Gen	Lancaster County Court	Court Costs	12.25
Gen	Lancaster County Sheriff	Court Costs	37.16
Gen	LaRue Distributing, Inc.	Supplies	35.98
Gen	Lincoln County Sheriff	Court Costs	20.90
Aging	Mainstay Technologies LLC	Internet Service	30.00
Gen	Mason Electric	Building Maintenance	190.70
Rd	Mead Lumber & Rental - York	Concrete/Flares	15.98
Weed	Moses Motor Co.	Equip Repair	554.89
Gen	NACO Planning & Zoning	Registration	70.00
Gen	Ne Dept of Motor Vehicles	Court Costs	11.00
State			
Inst	Ne Health and Human Services	June 2009	984.00
Rd	Ne Truck & Equipment Co., Inc.	Repair Parts	150.86
Rd	Nebraskaland Glass	Repair Parts	374.49
Gen,			
Rd	NMC Exchange LLC	Equip Rental	3,877.08
Gen,			
Aging	North Office Supply	Office Supplies	261.36
Rd	Orscheln Farm and Home	Repair Parts	346.66
Rd	Overland Sand & Gravel Company	Gravel	10,269.33
Gen,			
Rd	Pamida Stores Operation Co LLC	Supplies	66.65
Gen,			
Rd	Perennial Public Power District	Electricity	193.48
Rd	Power Plan	Repair Parts	901.48
Rd	Precision Industries	Repair Parts	144.18
Rd	Quill	Office Equip	339.98
Rd	Rasmussen Auto Parts	Repair Parts	146.90
Cnty			
Bldg	Rasmussen Mechanical Services, Inc.	Building Repair	14,317.00
Gen	Melvin Reetz	Retirement	12.00
Rd			
Rd	Sahling Kenworth Inc.	Repair Parts	6.90
Gen	Saline County District Court	Court Costs	10.75
Rd	Schlegelmilch Plumbing & Well Serv	Sewer	228.37
Gen			
Gen	Secretary of State-Election Div	Office Supplies	8.00
Rd	Sellers Equipment, Inc.	Repair Parts	324.62
Gen	ServiceMaster Clean of York	Janitorial Supplies	13.50
Gen			
Emer	Seward County Court	Court Costs	2.50
Mgmt	Seward County Courthouse	Office Expenditures	3,210.79
Rd	Snap-On Tools	Shop Supplies	19.95
Rd	Speece Lewis Engineers	Engineering	2,462.98
Gen	Stahr and Associates	Plan & Zone Contract	1,700.00
Data			
Proc	State of Ne Das Central Finance	Data Proc Equip	59.19
Gen	Bruce Stephens	Attorney Fees	1,065.00
Gen	Matt Stephens	Witness Fees	20.00
Gen	Svehla Law Offices	Attorney Fees	7,638.25
Gen,			
Rd	True Value/Coast to Coast	Supplies	346.26
Gen	Bern Tuttle	Retirement	69.24

Gen	USI Education and Government Sales	Office Equip	1,799.00
Rd	Village of McCool Junction	Water/Sewer	33.00
Gen	Voss Lighting	Building Maintenance	299.00
Gen	Fred Weisheit	Reimbursement	179.98
Rd	Weldon Industries, Inc.	Repair Parts	49.00
Gen	West Payment Center	Research Service Fees	20,112.48
Gen, Aging	Windstream Communications	Telephone Service	260.89
Gen	York County Court	Court Costs	179.00
Rd	York County Treasurer	Registration	20.00
Rd	York Electronics	Shop Supplies	43.96
Rd	York Equipment, Inc.	Shop Supplies	6.24
Rd	York Farm Supply LLC	Repair Parts	10.00
Gen	York General Hospital	Medical-Prisoners	649.11
Rd Aging, Emer	York Heating & Air Conditioning	Shop Supplies	90.93
Mgmt	York News-Times	Subscription	139.19
Gen	York Printing Company, LLC	Office Supplies	336.36
Gen	York Sewing Studio	Office Supplies	27.99
Rd, Aging	York Wholesale Company	Janitorial Supplies	46.15

There were no Interfund transfers to be brought before the Board.

Orval Stahr gave the Zoning Administrator’s 2009 Second Quarter Report. The report was reviewed and placed on file.

Bob Bryant requested to be on the agenda to speak with the Board regarding the sale of the Rotary Camp. No action was taken by the Board as they have not had sufficient time to research the issue.

Ken Bergen, Mayor of the City of Henderson came before the Board to discuss the Stimulus Funds which they are researching. Theses monies, if available, would be used for the purpose of constructing a sewer system in the Henderson Industrial Park.

Committee reports were given.

The Chairman declared the meeting adjourned at 11:34 a.m. The next regular meeting will be August 11, 2009 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

Augustus M. Brown, Jr., Chairman
York County Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska